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13 *Attorneys for Plaintiffs*

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 DAVID HOUGH; *et al.*

17 Plaintiffs,

18 vs.

19 RYAN CARROLL; *et al.*

20 Defendants.

Case No.: 2:24-cv-02886-WLH

**AFFIDAVIT OF PLAINTIFFS’  
ATTORNEY NICO BANKS  
SUPPORTING PLAINTIFFS’  
REPLY BRIEF RE: MOTION TO  
HOLD JP MORGAN CHASE & CO.  
IN CONTEMPT**

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22  
23 **AFFIDAVIT OF PLAINTIFFS’ ATTORNEY NICO BANKS SUPPORTING**  
24 **PLAINTIFFS’ REPLY BRIEF RE: MOTION TO HOLD JP MORGAN**  
25 **CHASE & CO. IN CONTEMPT**

26 I, Nico Banks, have personal knowledge of the matters set forth below and if called to  
27 testify, I would do so competently.  
28

- 1 1. I am an attorney representing Plaintiffs in this matter.
- 2 2. An individual who identified herself as a representative of J.P. Morgan Chase's  
3 subpoena processing department called me on July 18, 2024 and also on July  
4 25, 2024.
- 5  
6 3. The representative told me at the outset of the July 18 call that J.P. Morgan was  
7 searching for and planning to produce documents responsive to the subpoena  
8 served upon it by Plaintiffs. I believed that J.P. Morgan was opting to produce  
9 documents—despite its previous statement that it would not do so—because  
10 J.P. Morgan had become aware that Plaintiffs had recently filed a motion for  
11 contempt.  
12
- 13 4. The representative discussed with me how she was searching for bank accounts  
14 controlled by individuals and entities described in the subpoena.  
15
- 16 5. On the July 25 call, I told the representative that I knew JPM&C had frozen  
17 assets held by Defendant Max O. Day's daughter, which, I said, implied that  
18 JPM&C believed that assets in Max O. Day's daughter's bank account were  
19 controlled by Max O. Day.  
20
- 21 6. The representative told me that she would not be able to produce account  
22 documents for Max O. Day's daughter's bank account. However, the  
23 representative indicated that she still intended to search for and produce other  
24 documents responsive to the subpoena.  
25  
26  
27  
28

1 7. Exhibit A is a true and correct copy of an email thread between myself and an  
2 attorney representing J.P. Morgan Chase.

3 I declare under penalty of perjury that the foregoing is true and correct.  
4

5 Dated: August 14, 2024

6 /s/Nico Banks

7 /S/ Nico Banks

8 Nico Banks (CA SBN:344705)

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